

Chapter 14.56 Wireless Communication Facilities.

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14.56.010 Purpose.

The purposes of this chapter are to:

- A. Provide for a range of locations and options for wireless communications providers while minimizing the unsightly characteristics associated with wireless communications facilities;
- B. Encourage creative approaches in locating wireless communications facilities which will blend in with the surroundings of such facilities.

14.56.020 Exemptions and applicability.

- A. Exclusion of Amateur Radio Facilities. This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receiving-only antenna(e).
- B. Exclusion of Small Satellite Dishes. This chapter shall not govern the installation of small satellite dishes (i.e., one meter or less in any land use category and two meters or less in any mixed use or commercial zoning districts).
- C. SEPA Exemptions. The following facilities will not require an environmental analysis:
 - 1. A wireless communication facility attached to an existing structure which is not a residence or a school;
 - 2. A wireless communication facility tower less than 60 feet in height located in the CO or LI zoning districts.
- D. Relationship to Other Ordinances. This title supersedes all conflicting requirements of other codes and ordinances regarding the locating and permitting of wireless communication facilities.

14.56.030 Permits required.

- A. Building Permits. A building permit is required for all wireless communications facilities unless specifically exempted.
- B. Conditional Use Permit. A conditional use permit, in accordance with DMC 14.68, is required for any wireless communications facility except as follows:
 - 1. Camouflaged antennae attached to existing structures including but not limited to utility poles, buildings, water towers, and those facilities that collocate on an existing relay tower where adequate provisions for antenna(e) and ground-mounted equipment exist.
 - 2. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, so long as there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and

attached wireless communications facilities that meet the performance standards set forth in this document.

- C. Wireless Communication Facility Permit. All wireless communication facilities must be approved through either a conditional use permit or a wireless communication facility permit.

14.56.040 Application submittal requirements.

The following items shall be required for a wireless communication facility application:

- A. A site plan which shows existing and proposed transmission structures, warning signs, fencing and access restrictions;
- B. A diagram or map showing the visual impact of the proposed structure on the area within a minimum radius of 500 feet from the site;
- C. A map showing the service area of the proposed wireless communication facility and an explanation of the need for that facility at the proposed site. The explanation shall also include technological evidence that the height of the proposed facility is the minimum height necessary to fulfill the wireless communication facility's function;
- D. A site/landscaping plan showing the following: the specific placement of the wireless communication facility on the site; the location of existing structures, trees, and other significant site features within a minimum radius of 300 feet from the site; the type and locations of plant materials used to screen wireless communication facility components; the proposed color and materials for the wireless communication facility;
- E. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;
- F. A signed statement indicating:
 - 1. The telecommunications company holds a valid FCC license as required by state and federal law;
 - 2. The applicant agrees to allow for the potential collocation of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location;
 - 3. That the applicant agrees to remove the facility within 180 days after that site's use is discontinued;
 - 4. A notarized, signed affidavit by the property owner, if different from the facility owner, that the facility owner has a legal lease agreement, or option to lease agreement, or easement;
 - 5. Copy of a lease agreement with the property owner that includes the following:
 - a. Allows the landholder to enter into leases with other providers, and
 - b. Specifies that if the provider fails to remove the facility upon 90 days of its discontinued use, the responsibility for removal falls upon the landowner.
- G. Other information as required by the Director.

14.56.050 Development standards for attached wireless communication facilities 10 feet or less in height.

- A. Wireless communication facilities 10 feet or less in height and attached to a structure are allowed in all zones as a permitted or conditional use.
- B. Wireless communication facilities 10 feet or less in height shall be considered Type I permits if they meet the following criteria:
 - 1. The wireless communication facility components are the same color as the existing building, pole or support structure on which they are proposed to be located.
 - 2. The facility is located on an existing building, pole or other existing support structure. Such facilities may be located on buildings and structures provided that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.

3. The shelter or cabinet used to house electronic equipment is contained wholly within a building or structure, and otherwise appropriately concealed, camouflaged or located underground.
 4. Antennae equal to or less than 10 feet in height and with an area of not more than 580 square inches in the aggregate (e.g., 1 foot diameter parabola or 2 foot by 1 ½ foot panel as viewed from any one point) are exempt from the height limitation of the zone in which they are located. Structures which are nonconforming with respect to height may be used for the placement of omni directional and panel antennae. Panel antennae must be affixed to the side of an existing building and blend in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 5. In R4, R4.5, R6, and R8 zones, facilities for a specific wireless provider shall be separated by a distance equal to or greater than 1,320 linear feet from other facilities of the same wireless provider.
 6. Such facilities shall not be illuminated by colored or flashing lights or beacons.
- C. Wireless communication facilities 10 feet or less in height that do not meet the above criteria are subject to conditional use permit approval in accordance with Type III permits.

14.56.060 Development standards for attached wireless communication facilities greater than 10 feet in height.

- A. Wireless communication facilities greater than 10 feet in height and attached to a structure are allowed in CO, LI, PF, MU12, OT, RIV and UT-1 zones as a permitted or conditional use.
- B. Wireless communication facilities shall be considered Type I permits if they meet the following criteria:
 1. The wireless communication facility components are the same color as the existing building, pole or support structure on which they are proposed to be located.
 2. The facility is to be located on a building or other existing structure and provided that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
 3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, and otherwise appropriately concealed, camouflaged or located underground.
 4. Such facilities shall comply with the height limitation specified for all zones, except as follows. Omni directional antennae may exceed the height limitation by 15 feet or in the case of nonconforming structures the antennas may extend 15 feet above the existing structure. Panel antennae may exceed the height limitation if affixed to the side of an existing building and architecturally blend in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 5. Such facilities shall not be illuminated by colored or flashing lights or beacons.
- C. Wireless communication facilities greater than 10 feet in height that do not meet the above criteria are subject to conditional use permit approval in accordance with Type III permits.

14.56.070 Development standards for freestanding wireless communication facilities.

- A. The use of freestanding wireless communication facilities is allowed in CO, LI, and PF zones subject to conditional use permit approval.
- B. Antennae equal to or less than 15 feet in height or up to four inches in diameter may be a component of a freestanding wireless communication facility. The maximum height of the monopole structure and antenna shall be allowed to extend a maximum of 20 feet above

the average maximum height of tree stands within 300 feet of the proposed site location. Regardless of maximum tree heights, no monopole structure and antenna shall exceed 150 feet height.

- C. Co-location on an existing support structure shall be permitted.
- D. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole facilities shall be concealed, camouflaged or placed underground.
- E. Equipment structures shall be landscaped in conformance with DMC 14.38, Landscaping.
- F. Facilities shall be setback from the nearest public right-of-way a minimum distance of 50 feet.
- G. Facilities adjacent to a single-family zone shall be set back a distance equal to the height of the wireless communications support structure from the nearest single-family lot line.
- H. Facilities shall be camouflaged and/or colored in such a way as to be compatible with the surrounding skyline or tree line.
- I. Facilities shall not be illuminated by colored or flashing lights or beacons unless required by FAA safety regulations.

14.56.080 Obsolescence.

A freestanding or attached wireless communications facility shall be removed by the facility owner within 6 months of the date it ceases to be operational or if the facility falls into disrepair.